



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 045054/0140

Applicant: Yuji UOTA

Title: SYSTEM DEVELOPMENT METHOD, FUNCTIONAL UNIT
DEVELOPMENT METHOD, DEVELOPMENT SUPPORT SYSTEM
AND STORAGE MEDIUM STORING PROGRAMS OF SAME

Serial No.: 09/825,063

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a China Office Action that issued December 27, 2002 with respect to a counterpart China patent application is provided below.

"Claim 1 relates to a system development method. Reference 1 (US5999181A, published on December 7, 1999) discloses a network development support system, and specifically discloses the following technical features (see Column 2, Line 35-Column 13, Line 59 of the Description): a design support unit 100 (see Column 4, Line 35, corresponding to the server and the developer client according to claim 1) used to provide various functional units and files describing said different functions, the various parameters thereof being corresponding to the assurance level that meets specification of the system of claim 1; an automatic installing section 200 (see Column 13, Line 42, corresponding to the user client according to claim 1) comprising a parameter file recognizing module 801, a setting file installing module 802 and a user interface section 803, which performs the

same function as the user client of claim 1 does, i.e., to perform desired development operations using the various functional units stored in the server. Reference 1 discloses a network development support system, which must have a server and a client. It is obvious to those skilled in the art that a user or a developer can be register by a client and obtain the resource information in the server through network to work with the information. In other words, those skilled in the art can readily obtain the technical solution of claim 1 by combining Reference 1 with the common knowledge in the art. Therefore, claim 1 does not possess any prominent substantive feature or notable progress over Reference 1 and thus does not possess inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Dependent claims 2 and 3 make a further limitation to the manner of registration in the claims they refer to. However, it is common knowledge in the art that, in registration, different access levels are set depending on the users and the information to be accessed, so as to provide different services. Therefore, when such claims as referred to by dependent claims 2 and 3 lack inventiveness over Reference 1, claims 2 and 3 also lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Dependent claim 4 makes a further limitation to the requirements for obtaining said plurality of functional units. This is, however, also common means adopted by those skilled in the art for implementing a conditional access to the resources. Therefore, when such claim as referred to by dependent claim 4 lacks inventiveness over Reference 1, claim 4 lacks inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

According to Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law, the dependent claim shall, by additional technical features, further define the claim that it refers to. The characterizing portions of claims 5 and 6 respectively define the assurance level and security level of the claims they refer to; however, such definitions are not technical features, and therefore do not meet the requirement of Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.

Dependent claims 7-9 make a further limitation to the access requirements and the provision of information. These are, however, common means adopted by those skilled in the art to implement the conditional access and provision of information. Therefore, when such claims as referred to by claims 7-9 lack inventiveness over Reference 1, claims 7-9 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claims 10-12 make a further limitation to the systems and the functional units of the claims they refer to. These are, however, common knowledge to those skilled in the art. Therefore, when such claims as referred to by claims 10-12 lack inventiveness over Reference 1, claims 10-12 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claim 13 relates to a storage medium. Since no change occurs in the physical property of the storage medium, claim 13 in fact seeks protection of the computer program per se recorded in the storage medium. The Guidelines for Patent Examination (see Part 2, Chapter 9, Section 2) further explains Article 25, Paragraph 1 (2) of the Chinese Patent Law as follows: where an application for a patent for invention merely involves the computer program per se, or the pure computer program recorded in the carrier, in the case of the program per se, it is within the scope of the rules and methods for mental activities regardless of how it appears in any form, and shall not be granted a patent right under Article 25, Paragraph 1 of the Chinese Patent Law.

Claim 14 relates to a functional unit development method. As described previously, the development support system thereof is disclosed in Reference 1. The registration of an operator (developer) by the developer client, the transmission of the development information, the creation of a file describing functions of the functional units, and the setting of the various parameters of the functional unit, are all common means adopted by those skilled in the art for implementing the development of the network system. Therefore, when such claim as referred to by claim 14 lacks inventiveness over Reference 1, claim 14 lacks inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claim 15 further defines the makeup of the development information; however, such definition is not a technical feature and does not meet the requirement of Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.

Claims 16-18 make a further limitation to the functional unit development method. These are however common means adopted for those skilled in the art for solving the problems in the system development. Therefore, when such claims as referred to by claims 16-18 lack inventiveness over Reference 1, claims 16-18 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

The characterizing portions of claims 19 and 20 respectively define the assurance level and security level of the claims they refer to. Similarly, such definitions are not technical features, and therefore do not meet the requirement of Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.

Claims 21-23 make a further limitation to the systems and the functional units of the claims they refer to. These are, however, common knowledge to those skilled in the art. Therefore, when such claims as referred to by claims 21-23 lack inventiveness over Reference 1, claims 21-23 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claim 24 relates to a storage medium. As mentioned previously, claim 24 essentially seeks protection of the computer program. It falls within the scope of the rules and methods for mental activities, and shall not be granted a patent right under Article 25, Paragraph 1 of the Chinese Patent Law.

Claim 25 relates to a development support system, which is essentially a combination of the development support systems of claims 1 and 14. As mentioned above, the technical solutions of claims 1 and 14 lack inventiveness over Reference 1; therefore the technical solution of claim 25 also lacks inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claim 26 further defines the makeup of the development information; however, such definition is not a technical feature and does not meet the requirement of Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.

Claims 27-29 make a further limitation to the development support system. These are however common means adopted by those skilled in the art to solve the problems in the system development process. Therefore, when such claims as referred to by claims 27-29 lack inventiveness over Reference 1, claims 27-29 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claims 30-33 respectively define the assurance level, the security level and the access level. As mentioned above, such definitions are not technical features, and therefore do not meet the requirement of Rule 21, Paragraph 3 of the Implementing Regulations of the Chinese Patent Law.

Claims 34-37 make a further limitation to the access requirements of their development support systems. However, these are common means adopted for those skilled in the art to implement the conditional access of the resources and the response

to the request of a user. Therefore, when such claims as referred to by claims 34-37 lack inventiveness over Reference 1, claims 34-37 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claims 38-40 make a further limitation to the systems and the functional units of the claims they refer to. These are, however, common knowledge to those skilled in the art. Therefore, when such claims as referred to by claims 38-40 lack inventiveness over Reference 1, claims 38-40 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

Claim 41 relates to a storage medium. As mentioned previously, claim 41 essentially seeks protection of a computer program. It falls within the scope of the rules and methods for mental activities, and shall not be granted a patent right under Article 25, Paragraph 1 of the Chinese Patent Law.

For the reasons mentioned above, none of the claims of the present application possesses inventiveness. Moreover, no other substantive contents that can be granted a patent right are found in the Description. Therefore, even if the applicant recombines the Claims and/or further defines it in accordance with the Description, the application has no possibility of being granted a patent right. If the applicant can not give persuasive reasons showing the novelty and inventiveness of the present application within the time limit designated herein, the application will be rejected."

Applicants' statements regarding the China Office Action are based on a partial translation that Applicants' representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the China Office Action.

Applicants respectfully request that the listed document be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

26 March, 2003
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